

THE NATIONAL ACADEMIES

Advisers to the Nation on Science, Engineering, and Medicine

“Technology Across Borders and Barriers: Visas and Exports”

Government University Industry Research Roundtable Meeting

October 12, 2004

Lecture Room

**National Academy of Sciences Building,
2101 Constitution Avenue, Washington, D.C. 20418**

7:30 – 8:00 Continental Breakfast Available

8:00 – 8:10 Co-Chair’s Welcome and Introductory Remarks

- Marye Anne Fox, Chancellor, University of California, San Diego

8:10 – 8:40 **The Key National Indicators Initiative - Current Status and Plans for the Future**

- Jane Ross, Director, Center for Social and Economic Studies, The National Academies.

Presentation of an emerging framework that may be able to incorporate GUIRR “Balance Sheet for America” concepts.

8:40 – 9:10 **The University-Industry Partnership (previously known as Re-Engineering Intellectual Property Agreements)**

GUIRR volunteers: Larry Rhoades, Wayne Johnson,

Collaborators: Bob Killoren, President, National Council of University Research Administrators; Susan Butts, Member, External Technology Directors Network, Industrial Research Institute.

- Larry Rhoades, President, Extrude Hone Corp

Preview of upcoming Oct. 14-15 Congress.

9:10 – 10:45 **Deemed Exports**

GUIRR volunteers: Eva Pell, Sam Armstrong, Frank Pita

Opening Remarks: Sam Armstrong

- Rick Johnson, Partner, Arnold and Porter
- Diane Auer Jones, Director, Government Affairs, Princeton University
- Peter Lichtenbaum, Assistant Secretary of Commerce for Export Administration, Department of Commerce

- John (Jack) Shaw, Deputy Under Secretary of Defense for International Technology Security, Dept. of Defense

A review of the current interpretation of Deemed Exports provisions as applied to foreign graduate students at U.S. universities. Recent Inspectors' General reports have brought into question the fundamental research exemption enjoyed by universities and opened up questions regarding students' routine access to laboratory and instructional equipment.

10:45 – 11:00 BREAK

11:00 – 11:45 **Next Steps for GUIRR on Deemed Exports**

11:45 – 1:15 **Lunch: S&T policy and the Presidential Campaigns**
Members Room

Bush Campaign Representative:

- Robert Walker, Chairman of Wexler and Walker; former Congressman from Pennsylvania (16th district)

Kerry Campaign Representative:

- Gilbert Omenn, Professor of Internal Medicine, Human Genetics, and Public Health at the University of Michigan

Q&A

1:15-1:40 **Corporate Investment in R&D: A Question of Here or There**

GUIRR volunteers: Robert Powell, Harold Schmitz

Collaborators: Marie Thursby, Hal & John Smith Chair, College of Management, Georgia Institute of Technology; Jerry Thursby, Professor and Chair, Dept. of Economics, Emory University; Ross Armbrecht, President, Industrial Research Institute; Peter Kelly, American Chemical Society.

Opening Remarks: Harold Schmitz, Director of Science and External Research, Mars, Inc.

- Marie Thursby, Hal & John Smith Chair, College of Management, Georgia Institute of Technology.
- Jerry Thursby, Professor and Chair, Dept. of Economics, Emory University

Presentation of proposed survey design and methodology for this GUIRR project, which seeks to quantify the reasons for corporate siting of R&D in one locale vs. another.

VISA ISSUES:

GUIRR volunteers: Artie Bienenstock, Mel Bernstein, Jean-Lou Chameau, Wayne Johnson, Bob Powell

1:40 – 2:10 **Update on Visas for Scientists and Engineers: Issues pertaining to Security-Related Delays and Denials**

- Wendy White, Director, Board on International Scientific Organizations, The National Academies

2:10 – 2:40 **Understanding O Visas for Scientists and Engineers**

Bob Powell, Moderator

- Michael Biggs, Special Assistant to the Chief, Office of Policy and Strategy, U.S. Citizenship and Immigration Service, Department of Homeland Security

The O visa is meant for persons of “extraordinary ability” in the sciences, arts, education, business, or athletics. O visas are not subject to numerical limits and do allow multiple re-entry. What does “extraordinary ability” currently mean in the case of the sciences, and what authority does DHS have in defining this threshold? Changed thresholds for the O visa would ultimately affect the quantity of scientists and engineers applying for visas under the “O” designation vs. other categories.

2:40 – 2:55 BREAK

2:55 – 4:30 **Panel on INA 214(b) Provision, “Immigrant Intent” [U.S. Code Title 8, Section 1184 (b)]**

Artie Bienenstock, Moderator

- Jacquelyn Bednarz, Special Advisor, International Policy Office, Border and Transportation Security Directorate, Department of Homeland Security
- Steve Fischel, Visa Office, Bureau of Consular Affairs, Department of State, Special Advisor for International Policy Office, Border and Transportation Security Directorate, Department of Homeland Security
- Luke Bellocchi, Majority Counsel, House Committee on the Judiciary, Subcommittee on Immigration, Border Security, and Claims

Screening foreign students for “immigrant intent” prior to their arrival in the U.S. is, anecdotally, the single largest factor in denial of student visas. A closer examination of the issue raises some fundamentally interesting questions with respect to how this screening impacts global human capital flows of scientists and engineers (S&E’s). In an effort to bolster economic growth, other developed countries (Great Britain, New Zealand, Australia

Germany, Canada, and the EU) are pursuing pro-immigration policies for S&E's, to attract them as students and eventually as workers. Does our screening criterion place us at a competitive disadvantage for the “best and the brightest?” Also, the U.S. does not screen for immigrant intent among S&E's applying for H1-B and L visas – only among F and J visa holders. Does this dual approach to screening have any practical implications for the quality or quantity of science and engineers who ultimately emigrate? This panel provides background and legislative context for an 80-year old provision of the U.S. Code.

4:30 – 5:00 **Next Steps for GUIRR on Visa Issues**

5:00– 6:00 Cocktails & Hors D’Oeuvres, Rotunda
(Simultaneous meeting of GUIRR R&D survey focus group volunteers in NAS 280)